

ORIGINAL**SEALED**U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

2019 JUL -9 PM 4:17

DEPUTY CLERK EK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONUNITED STATES OF AMERICA and
THE STATE OF TEXAS, *ex rel.*
MARK ADAMS,

Plaintiffs,

v.

MEDOC HEALTH SERVICES, LLC, and
JOHN DOES 1-100,

Defendants.

Civil Action No. 3:17-CV-02977-M

FILED IN SEALED CASEUNITED STATES OF AMERICA'S NOTICE OF PARTIAL INTERVENTION

1. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States of America notifies the Court of its election to partially intervene in this civil action. In particular, the United States elects to intervene on the claims that Defendant Medoc Health Services, LLC, along with and/or in concert with certain other individuals and entities, caused the submission of false claims to the United States by soliciting, paying, and/or receiving kickbacks in exchange for arranging federal referrals to certain pharmacies in violation of the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b. The United States elects not to intervene at this time on the other claims asserted on its behalf in this action. The United States intends to file a complaint in partial intervention on the intervened claims within ten (10) days of the filing of this Notice.

2. While the United States is not intervening at this time as to certain claims asserted on its behalf in this action, its investigation of those allegations may continue.

3. Further, although the United States is not intervening at this time as to certain claims asserted on its behalf in this action, it would respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which permits a relator to maintain the declined portion of the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either relator or any defendants propose that the non-intervened claims be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

4. The United States further requests that pursuant to 31 U.S.C. § 3730(c)(3), should this case continue as to the non-intervened claims, relator and defendants serve all pleadings filed in this action upon the United States and all Orders issued by the Court also be sent to the undersigned counsel for the government.

5. The United States reserves its right to order any deposition transcripts related to the non-intervened claims and to intervene on those claims, for good cause shown, at a later date pursuant to 31 U.S.C. § 3730(c)(3).

6. The United States reserves the right to seek the dismissal of the relator’s action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

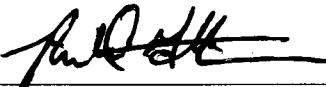
7. Finally, the United States respectfully requests that only the Complaint, this Notice, and the attached proposed Order be unsealed and served upon defendants. The United States asks that all other materials in this matter (including, but not limited to, any

applications and accompanying memoranda filed by the United States for an extension of time in which to intervene or for any other reason) remain under seal and not be made public or served on defendants at any time because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal at time for making an election to intervene should be extended.

8. A proposed order accompanies this notice.

Respectfully submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY


RICHARD J. GUILTINAN
Assistant United States Attorney
Texas Bar No. 24074332
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8600
Facsimile: 214-659-8807
Email: richard.guiltinan@usdoj.gov

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2019, a copy of the foregoing pleading and proposed order were mailed by first class mail to counsel for Relator:

Steve Sumner
Justin Sumner
Sumner, Schick & Pace L.L.P.
3811 Turtle Creek Blvd.
Suite 600
Dallas, TX 75219



RICHARD J. GUILTINAN